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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,145	11/04/2003	David S. Benco	36-26-26-30-26	4835

7590 06/15/2006

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,145

Applicant(s)

BENCO ET AL

Examiner

Temica M. Beamer

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 28, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 28, 2006 with respect to the rejection(s) of claim(s) 10 under 103 in view of Marsico and Cai have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Marsico and Cai as described below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsico et al (Marsico), U.S. Patent Pub. No. 2004/0170174 in view of Cai, U.S. Patent Pub. No. 2005/0027624.

Regarding claim 10, Marsico discloses a communication system providing a service to a subscriber under a wireless service plan (0021) comprising maintaining a subscriber database including indicia of multiple wireless units of the subscriber sharing the wireless service plan (0022), monitoring subscriber activity among the multiple wireless units, the subscriber activity defining a collective amount of service provided to the multiple wireless units within a billing period associated with the wireless service

plan (as evidenced by the fact that the system associates monitored charges with each device onto a single bill) (0022), and billing the subscriber activity according to the wireless service plan (0022, 0048).

Marsico, however, fails to specifically disclose wherein the subscriber activity is monitored based on one or more thresholds.

In a similar field of endeavor, Cai discloses a supplementary prepaid account for postpaid service subscribers.

Cai further discloses monitoring subscriber activity among a wireless unit relative to one or more service thresholds (0004, 0006, 0007, 0026).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Marsico with the teachings of Cai for the purpose of keeping a more accurate account of subscriber charges.

Regarding claim 11, the combination of Marsico and Cai discloses determining an active unit of the multiple communication units; designating the active unit in the subscriber database; and providing service to the active unit (Marsico, 0024, 0026 and 0032).

Regarding claim 12, the combination of Marsico and Cai discloses wherein the step of determining an active unit is accomplished upon service provisioning of one of the multiple communication units (Marsico, 0032).

Regarding claim 13, the combination of Marsico and Cai discloses wherein the step of determining an active unit is accomplished responsive to a subscriber selection of an active unit (Marsico, 0032).

Regarding claim 14, the combination of Marsico and Cai discloses wherein the step of determining an active unit is periodically re-accomplished responsive to one or more subscriber requests to change active units (Marsico, 0024).

Regarding claim 15, the combination of Marsico and Cai discloses receiving a subscriber request to change designation of the active unit of the multiple communication units from a present active unit to a new active unit; designating the new active unit in the subscriber database; and providing service to the new active unit under the shared service plan (Marsico, 0024 and 0032).

Regarding claim 16, the combination of Marsico and Cai discloses wherein the subscriber database includes indicia of multiple communication units of a subscriber sharing a directory number, the step of determining an active unit comprises selecting, from among the multiple communication units, a single unit designated as the active unit (Marsico, 0021).

Regarding claim 17, the combination of Marsico and Cai discloses wherein the step of providing service to the active unit comprises receiving a call request to the directory number; consulting the database to determine the active unit of the multiple communication units; and routing the call to the active unit (Marsico, 0022, 0039).

Regarding claim 18, the combination of Marsico and Cai discloses obtaining billing information associated with the call and recording the billing information in the subscriber database (Cai, 0012, 0026).

Regarding claim 19, the combination of Marsico and Cai discloses wherein the step of billing the subscriber activity comprises determining a cumulative amount of

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wireless service minutes provided to the multiple wireless units and comparing the cumulative amount to the one or more thresholds to determine a billing amount

(Marsico, 0022; Cai, 0012, 0026)

Reassignment Affecting Application Location

4. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit **2617**.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Temica M. Beamer
Primary Examiner
Art Unit 2617

tmb

Temica M. Beamer
TEMICA BEAMER
PRIMARY EXAMINER
6/11/06